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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,727	03/30/2004	Vlad Stirbu	037145-3302	5106
30542	7590	02/21/2008		
FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER NGUYEN, KHAI MINH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/813,727

Applicant(s)

STIRBU ET AL.

Examiner

Khai M. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 29 and 32-33 are rejected under 35 U.S.C. 102(a) as being anticipated by Maribalanca-Nieves et al. (U.S.Pub-20030233461).

Regarding claim 29, Maribalanca-Nieves teaches a wireless local area network (WLAN) access point that provides device type differentiation (abstract), the access point comprising:

means for obtaining a terminal connection corresponding to a terminal in the wireless area network ([0016]-[0030]); and

means for providing additional services specific (multiple services) to the terminal device type to the terminal (abstract, [0016]-[0019])

Regarding claim 32, Maribalanca-Nieves teaches the access point of claim 29, further comprising means for authenticating the terminal ([0016]-[0030]).

Regarding claim 33, Maribalanca-Nieves teaches the access point of claim 29, further comprising node profiles containing terminal device type information ([0016]-[0030]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maribalanca-Nieves et al. (U.S.Pub-20030233461), in view of Shaheen et al. (U.S.Pub-20050136898).

Regarding claim 30, Maribalanca-Nieves teaches the access point of claim 29, Maribalanca-Nieves fails to specifically disclose utilizing a plug-in module to enhance the ability to determine whether the terminal is a stationary device or a mobile device. However, Shaheen teaches utilizing a plug-in module to enhance the ability to determine whether the terminal is a stationary device or a mobile device ([0028]-[0029]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Shaheen to Maribalanca-Nieves to provide a method for delivering services to wireless terminals capable of supporting multiple radio interfaces and network infrastructures.

Regarding claim 31, Maribalanca-Nieves and Shaheen further teach the access point of claim 30, wherein the plug-in module comprises any one of an 802.1X plug-in, a signal strength and delay plug-in, and a power saving plug-in (see Shaheen, [0028]-[0029]).

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maribalanca-Nieves et al. (U.S.Pub-20030233461), in view of Shaheen et al. (U.S.Pub-20050136898), and further in view of Chow et al. (U.S.Pub-20030227927).

Regarding claim 1, Maribalanca-Nieves teaches a method for distinguishing between device types in a wireless local area network (WLAN) in order to provide additional services to one type of device (abstract), the method comprising:

obtaining a device type ([0019]), the device type including one of a mobile type and a stationary type (not show), for a terminal in a wireless local area network ([0016]-[0030]); and

providing additional device type-specific services (multiple services) to the terminal (abstract, [0016]-[0019]) if the terminal is a first device type belonging to a first device class (not show).

Maribalanca-Nieves fails to specifically disclose the device type including one of a mobile type and a stationary type. However, Shaheen teaches the device type including one of a mobile type and a stationary type (fig.1, [0011]-[0012]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Shaheen to Maribalanca-Nieves to provide a method for delivering services to wireless terminals capable of supporting multiple radio interfaces and network infrastructures.

Maribalanca-Nieves and Shaheen fail to specifically disclose the terminal is a first device type belonging to a first device class. However, Chow teaches the terminal is a first device type belonging to a first device class ([0023]-[0024]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Chow to Maribalanca-Nieves and Shaheen to provide a

method for delivering services to mobile terminal in the first remote environment in accordance with the home service capability.

Regarding claim 2, Maribalanca-Nieves, Shaheen, and Chow further teach the method claim 1, wherein obtaining a device type for the terminal comprises fetching a device type associated with the terminal from a device profile (see Shaheen, fig.1, [0011]).

Regarding claim 3, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 2, wherein the device profile is stored in memory at a WLAN access point (see Shaheen, fig.1, user profiles 56, [0011]).

Regarding claim 4, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, wherein obtaining a device type for the terminal comprises identifying if the terminal uses a power save mode (802.11) (see Shaheen, [0011], [0020]).

Regarding claim 5, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, wherein obtaining a device type for the terminal comprises retrieving static information in a user database used in the authentication procedure (see Shaheen, fig.3, [0028]-[0029], see Maribalanca-Nieves, [0016]-[0030]).

Regarding claim 6, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, wherein obtaining a device type for the terminal comprises receiving

the device type during the authentication procedure for the terminal (see Maribalanca-Nieves, [0016]-[0030]).

Regarding claim 7, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, further comprising: requesting identity of a terminal in a wireless local area network (WLAN) system (see Shaheen, fig.3, [0028]-[0029]); receiving a response to the identity request (see Maribalanca-Nieves, [0016]-[0030]); authenticating the terminal based on the received response to the identity request (see Maribalanca-Nieves, [0016]-[0030]);

Regarding claim 8, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 7, wherein the authentication procedure comprises the Extensible Authentication Protocol (EAP) (see Maribalanca-Nieves, [0009]-[0010]).

Regarding claim 9, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 7, wherein the authentication procedure comprises the Remote Authentication Dial-In User Service (RADIUS) (see Maribalanca-Nieves, abstract, [0017]-[0018], [0027]).

Regarding claim 10, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, further comprising forcing the terminal into an unauthorized state which allows the terminal to only send an Extensible Authentication Protocol (EAP) start message (message exchange) (see Maribalanca-Nieves, [0009]-[0010]).



Regarding claim 11, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, wherein obtaining a device type for the terminal comprises detecting the device type from a propagation and signal information from the terminal (see Maribalanca-Nieves, abstract, [0017]-[0019]).

Regarding claim 12, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, wherein obtaining a device type for a terminal comprises receiving a signal initiated by the terminal (see Maribalanca-Nieves, abstract, [0017]-[0018]), wherein the signal provides device type information (see Shaheen, fig.3, [0028]-[0029], see Maribalanca-Nieves, [0016]-[0030]).

Regarding claim 13, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 1, further comprising utilizing a plug-in module to enhance the ability to determine whether the terminal is a stationary device or a mobile device (see Maribalanca-Nieves, abstract, [0017]-[0018]).

Regarding claim 14, Maribalanca-Nieves, Shaheen, and Chow further teach the method of claim 13, wherein the plug-in module comprises any one of an 802.1X plug-in, a signal strength and delay plug-in, and a power saving plug-in (see Shaheen, [0028]-[0029]).

Regarding claim 15, Maribalanca-Nieves teaches a system for determining device types and providing services for the device types (abstract), the system comprising:

a supplicant node (terminal 30) coupled to a wireless local area network (WLAN) (fig.1); and

an access point associated with the WLAN ([0037]), the access point determining what device type the supplicant node is ([0019]), the device type including one of a mobile type and a stationary type (not show), wherein the access point provides at least one of additional (multiple services) and different services to the supplicant node (abstract, [0016]-[0019]) if it is a first device type belonging to a first device class (not show).

Maribalanca-Nieves fails to specifically disclose the device type including one of a mobile type and a stationary type. However, Shaheen teaches the device type including one of a mobile type and a stationary type (fig.1, [0011]-[0012]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Shaheen to Maribalanca-Nieves to provide a method for delivering services to wireless terminals capable of supporting multiple radio interfaces and network infrastructures.

Maribalanca-Nieves and Shaheen fail to specifically disclose it is a first device type belonging to a first device class. However, Chow teaches it is a first device type belonging to a first device class ([0023]-[0024]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Chow to Maribalanca-Nieves and Shaheen to provide a method for

delivering services to mobile terminal in the first remote environment in accordance with the home service capability.

Regarding claim 16 is rejected for the same with reasons set forth in claim 13.

Regarding claim 17 is rejected for the same with reasons set forth in claim 6.

Regarding claim 18 is rejected for the same with reasons set forth in claim 4.

Regarding claim 19, Maribalanca-Nieves teaches a system for communication in a wireless local area network (WLAN) in which a WLAN access point distinguishes between different device types to provide additional services to one type of device (abstract), the system comprising:

Means for obtaining a device type ([0019]), the device type including one of a mobile type and a stationary type (not show), for a terminal in a wireless local area network ([0016]-[0030]); and

Means for providing additional device type-specific services (multiple services) to the terminal (abstract, [0016]-[0019]) if the terminal is a first device type belonging to a first device class (not show).

Maribalanca-Nieves fails to specifically disclose the device type including one of a mobile type and a stationary type. However, Shaheen teaches the device type including one of a mobile type and a stationary type (fig.1, [0011]-[0012]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to apply the teaching of Shaheen to Maribalanca-Nieves to provide a method for delivering services to wireless terminals capable of supporting multiple radio interfaces and network infrastructures.

Maribalanca-Nieves and Shaheen fail to specifically disclose the terminal is a first device type belonging to a first device class. However, Chow teaches if the terminal is a first device type belonging to a first device class ([0023]-[0024]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Chow to Maribalanca-Nieves and Shaheen to provide a method for delivering services to mobile terminal in the first remote environment in accordance with the home service capability.

Regarding claim 20 is rejected the same with reasons set forth in claim 7.

Regarding claim 21 is rejected the same with reasons set forth in claim 3.

Regarding claim 22, Maribalanca-Nieves, Shaheen, and Chow further teach the system of claim 19, wherein the specific services to the terminal comprise multicast filtering (see Maribalanca-Nieves paragraph 0027-0030).

Regarding claim 23, Maribalanca-Nieves, Shaheen, and Chow further teach the system of claim 22, wherein the multicast filtering is provided to protect devices from Universal Plug and Play (UPnP) messages (see Shaheen, fig.3, paragraph 0006, 0028-0029).

Regarding claim 24 is rejected for the same with reasons set forth in claim 10.

Regarding claim 25 is rejected for the same with reasons set forth in claim 4.

Regarding claim 26 is rejected for the same with reasons set forth in claim 5.

Regarding claim 27, Maribalanca-Nieves teaches a method for device type differentiation in a wireless local area network (WLAN) access point (abstract), the method comprising:

obtaining a terminal connection corresponding to a terminal in the wireless area network ([0016]-[0030]), the device type including one of a mobile type and a stationary type (not show); and

providing additional services specific (multiple services) to the terminal device type to the terminal (abstract, [0016]-[0019]), the terminal is a first device type belonging to a first device class (not show).

Maribalanca-Nieves fails to specifically disclose the device type including one of a mobile type and a stationary type. However, Shaheen teaches the device type including one of a mobile type and a stationary type (fig.1, [0011]-[0012]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Shaheen to Maribalanca-Nieves to provide a method for delivering services to wireless terminals capable of supporting multiple radio interfaces and network infrastructures.

Maribalanca-Nieves and Shaheen fail to specifically disclose the terminal is a first device type belonging to a first device class. However, Chow teaches the terminal is a

first device type belonging to a first device class ([0023]-[0024]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Chow to Maribalanca-Nieves and Shaheen to provide a method for delivering services to mobile terminal in the first remote environment in accordance with the home service capability.

Regarding claim 28 is rejected the same with reasons set forth in claim 3.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

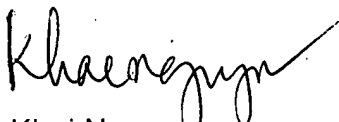
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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